

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LYDIA BENT et al.,)	
)	
Plaintiff,)	
vs.)	No. 3:13-CV-2038-D
)	
MACKIE WOLFE ZIENTZ &)	
MANN, P.C., et al.,)	
)	
Defendant.)	

ORDER

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

Plaintiffs' objections to the findings, conclusions, and recommendation of the magistrate judge are based on a fundamental misunderstanding of the magistrate judge's authority to make recommendations to the district judge that are reviewed *de novo*, i.e., independently, and without deference to the magistrate judge's findings, conclusions, and recommendation. Plaintiffs do not challenge the merits of the findings, conclusions, and recommendation of the magistrate judge.

Accordingly, plaintiffs' May 31, 2013 motions for temporary restraining order and for preliminary injunction are denied. By judgment filed today, plaintiffs' claims against the remaining defendant—U.S. Bank National Association—under the Federal Debt Collection Practices Act are dismissed with prejudice pursuant to 28 U.S.C. § 1915(e)(2) for failure to state a claim on which relief can be granted. The court exercises supplemental jurisdiction over plaintiffs' state-law claims and dismisses these claims with prejudice under 28 U.S.C. § 1915(e)(2) for failure to state a claim on which relief can be granted. Because plaintiffs have already amended their complaint once, and because their

objections to the findings, conclusions, and recommendation of the magistrate judge make no attempt to demonstrate that they can state a claim on which relief can be granted, the court declines in its discretion to permit them to replead before entering a final judgment of dismissal.

SO ORDERED.

August 28, 2013.


SIDNEY A. FITZWATER
CHIEF JUDGE